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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE TESLA, INC. SECURITIES
LITIGATION

Case No. 3:18-cv-04865-EMC

**STIPULATION AND ~~PROPOSED~~
ORDER RE: MISCELLANEOUS
TRIAL PROTOCOLS
WITH MODIFICATIONS**

Plaintiff Glen Littleton and Defendants Tesla, Inc., Elon R. Musk, Brad W. Buss, Robyn Denholm, Ira Ehrenpreis, Antonio J. Gracias, James Murdoch, Kimbal Musk, and Linda Johnson Rice (collectively, “Defendants”) (Plaintiff and Defendants are collectively referred to as the “Parties”), by and through their undersigned counsel of record, submit the following stipulation and proposed order:

WHEREAS, trial is scheduled to begin in this matter on January 17, 2023;

WHEREAS, the Parties have hereby agreed to adhere to various protocols during the trial relating to, among other things, the disclosure, exchange, and questioning of witnesses, exhibits, and objections (as set forth in Exhibit A attached hereto);

WHEREAS, if approved by the Court, the Parties will adhere to the protocols listed in Exhibit A in addition to the rules set forth in the Court’s Guidelines for Trial in Civil Cases

(available at <https://www.cand.uscourts.gov/judges/chen-edward-m-emc/>) and the Final Pretrial Conference Order (ECF No. 508);

IT IS HEREBY STIPULATED AND AGREED by and between the Parties and their undersigned counsel, and subject to this Court's approval that, the Court's Guidelines for Trial in Civil Cases and Final Pretrial Conference Order is modified to include the additional protocols set forth in Exhibit A attached hereto.

Dated: January 3, 2023

LEVI & KORSINSKY, LLP

By: /s/ Adam M. Apton
Adam M. Apton

Attorneys for Plaintiff and Counsel for the Class

Dated: January 3, 2023

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By: /s/ Alex Spiro
Alex Spiro

*Attorneys for Defendants Tesla, Inc., Elon Musk,
Brad W. Buss, Robyn Denholm, Ira Ehrenpreis,
Antonio J. Gracias, James Murdoch, Kimbal Musk,
and Linda Johnson Rice*


FILER'S ATTESTATION

Pursuant to Civil L. R. 5-1(h)(3), regarding signatures, I hereby attest that concurrence in the filing of the document has been obtained from all of the signatories above.

/s/ Adam M. Apton
Adam M. Apton

IT IS SO ORDERED.

Dated: January 6, 2023



Honorable Edward M. Chen
UNITED STATES DISTRICT JUDGE

EXHIBIT A
TRIAL PROTOCOLS

1. Sequestration of Witnesses. All witnesses shall be sequestered from the courtroom during the testimony of other witnesses until they are called to testify. Parties and expert witnesses shall not be subject to sequestration.

2. Disclosure/Objections to Witnesses and Exhibits. The parties will follow the Court's Guidelines for Trial in Civil Cases and Final Pretrial Conference Order concerning the disclosure and objection to witnesses and exhibits, provided as follows: Any Party who will be calling witnesses shall provide notice of the witnesses they will be calling and all exhibits they will be seeking to introduce with those witnesses (other than for impeachment of an adverse witness) two court days in advance of the witnesses taking the stand, by no later than 8:30 am. By ~~4:00~~ ^{3:00} pm that same day, the opposing Party shall provide notice of the exhibits they will be seeking to introduce with the witnesses disclosed earlier that day (other than for impeachment of an adverse witness). Both Parties shall have until 8:30 am the following day to file objections to the opposing Party's disclosures. Upon filing of objections, both Parties shall have until ~~4:00~~ ^{3:00} pm that same day to file responses to objections. The following chart illustrates the deadlines for notices/disclosures and objections:

<i>Witness/Exhibit To Be Called</i>	<i>Calling Party's Notice/Disclosure</i>	<i>Opposing Party's Notice/Disclosure</i>	<i>Objection</i>	<i>Response</i>
Monday	Thursday 8:30 a.m.	Thursday 4:00 ^{3:00} p.m.	Friday 8:30 a.m.	Friday 4:00 ^{3:00} p.m.
Tuesday	Friday 8:30 a.m.	Friday 4:00 ^{3:00} p.m.	Monday 8:30 a.m.	Monday 4:00 ^{3:00} p.m.
Wednesday	Monday 8:30 a.m.	Monday 4:00 ^{3:00} p.m.	Tuesday 8:30 a.m.	Tuesday 4:00 ^{3:00} p.m.
Friday	Wednesday 8:30 a.m.	Wednesday 4:00 ^{3:00} p.m.	Thursday 8:30 a.m.	Thursday 4:00 ^{3:00} p.m.

1 3. Disclosure/Objections to Demonstrative Exhibits. All demonstrative exhibits (and
2 objections thereto) shall be exchanged in accordance with the protocols relating to the
3 disclosure/objection to witnesses and exhibits (above). This includes demonstrative exhibits,
4 visual aids, slides, and other similar materials that may be used for opening and closing
5 statements.

6 4. Videotaped Deposition Testimony. The proponent of any videotaped deposition
7 testimony shall provide opposing counsel with a copy of the video they intend to play for the jury
8 in accordance with the protocols relating to the disclosure/objection to witnesses and exhibits
9 (above). The copy of the video shall be provided to opposing counsel electronically through
10 download link.

11 5. Witness Communications. The Parties shall not confer, communicate, or otherwise
12 discuss with a witness the substance of his or her testimony from the moment the witness is sworn
13 until the conclusion of their testimony.

14 6. Time Limits. Each Party has 18 hours to present their case. ECF No. 508, p. 3.
15 Time spent examining a witness will be charged against the Party conducting the examination.
16 For example, if Plaintiff questions Witness X for one hour and Defendants then question the same
17 witness for one hour, each Party will have used one of their allotted 18 hours. When introducing
18 testimony by deposition (either videotaped or reading into the record), each Party will incur time
19 against their allotment for the trial in proportion with their respective designations.
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